

AFFIDAVIT

- 1) **AFFIANT/AGENT.** I, Kevin Backes, a Border Patrol Agent of the United States Border Patrol, Customs and Border Protection (USBP/CBP), have been employed by the USBP/CBP for 22 years and am currently assigned to the Grand Forks Border Patrol Sector Prosecution Unit.

Your affiant has reason to believe that LOPEZ-Garcia, Jorge Luis (DOB: XX/XX/1984), illegally reentered the United States after being removed, in violation of 8 U.S.C. § 1326(a).

- 2) **INITIAL ENCOUNTER.** On April 18, 2025, at approximately 2:30 PM, Border Patrol Agent (BPA) Engelstad responded to a request for assistance from the McHenry County Sheriff's Office. Deputy Welsch encountered a single individual during a traffic stop near Velva, ND for excessive speed. The driver had presented the deputy with what appeared to be a Mexican produced identification card bearing the name LOPEZ-Garcia, Jorge, a photo, and biographical information.

BPA Engelstad conducted record checks based on the information on the identification card. Records returned showing a match to a person who had been removed from the United States multiple times. BPA Engelstad requested to speak to the driver. BPA Engelstad identified himself as a Border Patrol Agent and conducted an immigration inspection with LOPEZ-Garcia. LOPEZ-Garcia admitted he is a Mexican citizen, and that he had illegally entered the United States. Based on the record checks and immigration inspection, BPA Engelstad requested that LOPEZ-Garcia be detained until he could be taken into Border Patrol custody.

Arrangements were made for LOPEZ-Garcia to be transported to the Ward County Detention Center in Minot, ND until a Border Patrol Agent could take custody.

- 3) **POST-ARREST INVESTIGATION.** On April 19, 2025, LOPEZ-Garcia was transported to a Customs and Border Protection facility at the airport in Minot, ND for processing and enrolled into NGI/IDENT, a computerized fingerprint identification system. The NGI/IDENT results returned showed LOPEZ-Garcia had been removed from the United States multiple times.

LOPEZ-Garcia is a citizen and national of Mexico.

4) **IMMIGRATION HISTORY.**

1. Arrest Date: May 1, 2004
Arrest Agency: USBP Falfurrias, TX
Disposition: Voluntary Return to Mexico.
2. Arrest Date: June 29, 2007
Arrest Agency: CBP Atlanta, GA Airport

Charge: Section 212(a)(7)(A)(i)(I) of the INA – Immigrant Without Immigrant Visa
Disposition: Expedited Removal. Removed to Mexico on June 30, 2007, at Atlanta, GA

3. Arrest Date: July 15, 2011
Arrest Agency: USBP McAllen, TX
Charge: Section 212(a)(6)(A)(i) – Present Without Admission
Disposition: Reinstatement of removal. Removed to Mexico on July 15, 2011, at Hidalgo, TX

4. Arrest Date: July 21, 2011
Arrest Agency: USBP Kingsville, TX
Charge: Section 212(a)(6)(A)(i) – Present Without Admission
Disposition: Reinstatement of removal. Removed to Mexico July 25, 2011, at Brownsville, TX

5) CRIMINAL HISTORY.

No criminal history in the United States found.

6) MIRANDA RIGHTS & CONSULAR NOTIFICATION. On April 19, 2025, BPA Tanzi, witnessed by BPA Hamlin notified LOPEZ-Garcia of his Miranda Rights per Service Form I-214. LOPEZ-Garcia acknowledged his rights by signing the Service Form and was not willing to answer questions without the assistance of an attorney.

BPA Tanzi notified LOPEZ-Garcia of his right to consular communication. LOPEZ-Garcia stated he wished to speak with the Mexican Consulate and was provided the information to contact the consulate during their normal business hours.

No record could be found to indicate that LOPEZ-Garcia has ever applied for or been granted permission to reenter the United States by the Attorney General or by his successor, the Secretary of the Department of Homeland Security.

In my training and experience, the above facts constitute a violation of 8 U.S.C. § 1326(a).

The foregoing is true and correct to the best of my knowledge and belief.



Kevin Backes
United States Border Patrol Agent

Sworn to me by reliable electronic means, this 21st day of April, 2025.

A handwritten signature in blue ink, appearing to read "Alice R. Senechal", is written over a horizontal line.

Alice R. Senechal
United States Magistrate Judge